

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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STATE OF INDIANA,

*Petitioner,*

v.

ERNESTO RUIZ,

*Respondent.*

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**APPLICATION FOR EXTENSION OF TIME TO FILE A  
PETITION FOR WRIT OF CERTIORARI TO THE  
INDIANA SUPREME COURT**

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*Counsel for Petitioner*

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**To the Honorable Justice Brett Kavanaugh, as Circuit Justice for the  
United States Court of Appeals for the Seventh Circuit:**

Petitioner, the State of Indiana, respectfully requests a 60-day extension of time, to and including January 20, 2020, to file a petition for writ of certiorari.

In support of this application, Petitioner states as follows:

1. The Indiana Supreme Court issued its decision on June 3, 2019. This decision is attached. The State timely petitioned for rehearing, and the Indiana Supreme Court denied the petition on August 23, 2019. This order denying rehearing is also attached. Absent an extension of time, the petition for writ of certiorari would therefore be due on November 21, 2019. Petitioner files this application at least ten days before the petition's due date. *See* Sup. Ct. R. 13.5.

2. The Court to which certiorari would be directed is the Indiana Supreme Court. This Court would have jurisdiction to review the judgment of the Seventh Circuit under 28 U.S.C § 1257.

3. The State seeks a 60-day extension for two reasons: other cases requiring the attention of undersigned counsel of record and the intervening state and federal holidays between now and the proposed deadline.

4. First, undersigned counsel is engaged in other litigation matters that interfere with counsel's ability to research and prepare an adequate petition by the current due date of November 20, 2019. Those matters include:

- *Whole Woman's Health Alliance v. Hill*, No. 1:18-cv-01904 (S.D. Ind.) (challenge to numerous provisions of Indiana law relating to abortion): State's motion for summary judgment due November 8, 2019.
- *Toomey v. Ind. Dep't of Correction*, No. 19S-PL-00401 (Ind.) (concerning public records request for drugs used in lethal injections): State's appellants' brief due November 19, 2019.
- *CBD Store v. Holcomb*, No. 19-3334 (7th Cir.) (concerning preemption of Indiana's prohibitions on smokeable hemp): State's appellant's brief due November 25, 2019.
- *Hope v. Ind. Dep't of Correction*, No. 19-2523 (7th Cir.) (concerning as-applied challenge to Indiana's sex-offender registry law): State's reply brief due December 6, 2019.

5. Second, several intervening state and federal holidays between now and the proposed deadline for the Petition for Writ of Certiorari will impede preparation of the Petition: November 11, 2019, November 28 and 29, 2019, December 24 and 25, 2019, and January 1, 2020.

6. Therefore, a 60-day extension of time is necessary so that the State can devote adequate time and attention to its petition in this matter. No meaningful prejudice would arise from a 60-day extension.

**CONCLUSION**

Petitioner, the State of Indiana, respectfully requests a 60-day extension of time, to and including January 20, 2020, to file a petition for writ of certiorari.

Respectfully submitted,

/s/ Thomas M. Fisher

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